

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

WARREN KEITH HENNESS,

Petitioner, : Case No. 2:14-cv-2580  
-vs- : District Judge Michael R. Barrett  
Magistrate Judge Michael R. Merz

CHARLOTTE JENKINS, Warden,  
Chillicothe Correctional Center

## Respondent.

## **ORDER WITHDRAWING REPORT AND RECOMMENDATIONS AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS**

This capital habeas corpus case is before the Court on the Warden’s Motion to Dismiss (ECF No. 27). The Magistrate Judge has recommended that the Motion to Dismiss be held in abeyance and that this case be transferred to the Sixth Circuit for a determination whether, as a second-or-successive habeas application, it can proceed (Report and Recommendations, ECF No. 30; Supplemental Report and Recommendations, ECF No. 35).

The recommendation to transfer the case was based in large part on the Magistrate Judge's reading of *Glossip v. Gross*, 576 U.S. \_\_\_, 135 S. Ct. 2726, 192 L. Ed. 2d 761 (2015). However, on March 15, 2016, the Sixth Circuit decided *Adams v. Bradshaw*, \_\_\_ F.3d \_\_\_, 2016 U.S. App. LEXIS 4678 (6<sup>th</sup> Cir. Mar. 15, 2016), which appears to have an important impact on the Court's understanding of *Glossip*.

Accordingly, it is hereby ORDERED that the Reports and Recommendations (ECF Nos. 30 & 35) be, and they are hereby, WITHDRAWN. Petitioner is granted leave to file a supplemental memorandum in opposition to the Motion to Dismiss not later than April 1, 2016. The Warden may file a responsive memorandum not later than two weeks after the Petitioner files.

March 16, 2016.

s/ *Michael R. Merz*  
United States Magistrate Judge